

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture proposes to amend Sections 3800.1 and 3800.2 of the regulations in Title 3 of the California Code of Regulations pertaining to Quality Standards for cotton in the San Joaquin Valley Quality Cotton District.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before December 25, 2006.

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

Existing law provides that the San Joaquin Valley Cotton Board (Board) shall establish a separate Acala and Pima standard for all cotton grown within the San Joaquin Valley Quality Cotton District (District). When determining each standard, the Board shall consider fiber length, strength, uniformity, micronaire, seed quality, productivity, resistance to disease, including Verticillium wilt, and spinning characteristics. Existing law also provides that the Board annually review test data and approve for release and planting within the District, cotton varieties which meet the existing Acala or Pima quality standard but are superior in some meaningful respect (Section 52891, Food and Agricultural Code).

Existing law provides that the Department shall adopt regulations to maintain the integrity of approved Acala or Pima cotton and prevent contamination of those types of cotton (Section 52901, Food and Agricultural Code). Existing law also provides that the Board may hold a referendum vote whenever the Board proposes changes to the Acala or Pima quality standard (Section 52936, Food and Agricultural Code).

The proposed amendment of Section 3800.1 will establish the new San Joaquin Valley Quality Cotton District (District) quality standard for Acala cotton as Acala Summit. The District quality standard for Pima cotton will remain as Pima S-7. The effect of this regulation will be that experimental (nonapproved) cotton varieties being tested within the District will be compared to Acala Summit or Pima S-7 by the San Joaquin Valley Cotton Board when reviewing test data for the purpose of determining if a variety may be approved for release and planting within the District. Nonapproved varieties which do not meet the standards or that do meet the standards but are not superior in some meaningful respect, cannot be approved by the Board for release and planting within the District. Nonapproved varieties may still be planted within the District but are tagged as California Upland, California Pima or "SJV Experimental" cottons.

The proposed amendment of Section 3800.2 will establish that the Board may hold a referendum whenever it proposes that a variety other than Acala Summit or Pima S-7 embodies the Acala or Pima quality standard. The effect of this regulation will be to clarify that the Board is not required to hold a referendum and that, specifically, the referendum may be held when proposing that a variety other than Acala Summit or Pima S-7 embodies the quality standard for the District.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Secretary of Food and Agriculture has determined that the proposed regulations do not impose a mandate on local agencies or school districts. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not: 1) create or eliminate jobs within California; 2) create new business or eliminate existing businesses within California; or, 3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Secretary of the Department of Food and Agriculture must determine that no alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department proposes to amend Section 3800.1 pursuant to the authority vested by Sections 407, 52891, and 52901 of the Food and Agricultural Code of California.

The Department proposes to amend Section 3800.2 pursuant to the authority vested by Sections 407, 52891, 52901, and 52936 of the Food and Agricultural Code of California.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 52891 and 52936 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

DEPARTMENT OF FOOD AND AGRICULTURE

Date

Deputy Secretary